

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: Blackhawk Foundry & Machine Company

IN THE MATTER OF:

BLACKHAWK FOUNDRY
& MACHINE COMPANY

ADMINISTRATIVE CONSENT ORDER

NO. 03-AQ-51

TO: Blackhawk Foundry and Machine Company
c/o James R. Grafton
President, COO
323 S. Clark Street
Davenport, Iowa 52802

Blackhawk Foundry and Machine Company
c/o James R. Grafton, Registered Agent
323 S. Clark Street
Davenport, Iowa 52802

I. SUMMARY

This Administrative Consent Order is entered into between the Iowa Department of Natural Resources (DNR) and Blackhawk Foundry and Machine Company (Blackhawk). This Administrative Consent Order constitutes the control strategy for resolving PM-10 National Ambient Air Quality violations monitored in Davenport, Iowa.

Any questions regarding this order should be directed to:

For Iowa DNR:

James McGraw
Iowa Department of Natural Resources

7900 Hickman Road, Suite 1
Des Moines, Iowa 50322
Ph: 515/242-5167
Fax: 515/242-5094

For Blackhawk:

James R. Grafton
Blackhawk Foundry and Machine
Company

323 S. Clark Street
Davenport, Iowa 52802
Ph: 563/323-3621
Fax: 563/322-5521

Either party may change its designated representative at any time by providing written notice to the other party.

This Administrative Consent Order supersedes Administrative Consent Order No. 01-AQ-26.

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Procedural questions regarding this order should be directed to:

Anne Preziosi
Iowa Department of Natural Resources
Air Quality Bureau
7900 Hickman Road, Suite 1
Urbandale, Iowa 50322
515-281-6243

II. STATEMENT OF FACTS

1. DNR has monitored three exceedences of the 24-hour PM-10 National Ambient Air Quality Standard in the vicinity of Blackhawk Foundry in Davenport. On October 30, 1996, a DNR monitoring site located at 405 S. Faragut (World of Oz Day Care) in Davenport, Iowa, recorded a PM-10 concentration of 161 micrograms per cubic meter (ug/m^3), and on May 8, 1997, the same monitor recorded a value of 160 ug/m^3 . At the time of the first exceedance, the monitor was operating at a sampling frequency of one sample every three days. The State initiated everyday sampling as required by 40 CFR 58.13, but sampling was discontinued at the request of the property owners before the required four quarters of sampling could be conducted. Therefore, the number of expected exceedences was calculated to be greater than 1.1 for the three calendar year period from 1995 through 1997. In order to continue ambient air surveillance in the vicinity of the previous monitoring site, a new continuous monitor was placed on the Blackhawk property, inside of the Blackhawk fence line. This monitor recorded a value of 180 micrograms on March 27, 2000.

2. The Blackhawk facility is located at or near the PM-10 monitor sites. Air dispersion modeling by Iowa DNR has indicated that Blackhawk is the primary contributor to the PM-10 levels monitored.

3. The Iowa DNR and Blackhawk have coordinated an effort to reduce ambient PM-10 emissions in the area, thus allowing the area to remain attainment for PM-10. To that end, Iowa DNR and Blackhawk have agreed to enter into this Administrative Consent Order.

III. CONCLUSIONS OF LAW

1. This order is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1), which authorize the Director to issue any administrative orders necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II, and the rules promulgated and permits issued pursuant thereto, and to prevent, abate, and control air pollution.

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2. The PM-10 emission sources located at Blackhawk include "air contaminant sources" as defined by Iowa Code section 455B.131(2), and "stationary sources" and "fugitive dust" sources as defined by 567 Iowa Administrative Code (I.A.C.) 20.2.

3. According to 567 I.A.C. 28.1, the ambient air quality standards for the State of Iowa shall be the National Primary and Secondary Ambient Air Quality Standards (NAAQS) located at 40 C.F.R. Part 50, as amended through July 18, 1997.

4. The primary and secondary 24-hour ambient air quality standards for PM-10 are 150 $\mu\text{g}/\text{m}^3$, 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 C.F.R. Part 50, Appendix K, is equal to or less than one. The concentrations monitored in this case and the resulting estimated number of exceedences constitute a violation of this standard.

5. An exceedence of the NAAQS for PM-10 constitutes "air pollution" as defined by Iowa Code section 455B.131(3).

6. According to the provisions of 567 I.A.C. 22.1(1) and 567 I.A.C. 22.1(3), the owner or operator of a stationary source shall obtain a permit to install or alter equipment or control equipment unless otherwise exempt. Any modifications occurring as a result of this consent order and subject to the provisions of 567 I.A.C. chapter 22 shall require a construction permit or shall meet the requirements of a construction permit exemption contained in the provisions of 567 I.A.C. 22.1(2).

7. The provisions of 567 I.A.C. 23.3(2)"c"(1), provide, in relevant part, that all persons, with certain exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. "Reasonable precautions" are defined in this rule.

IV. ORDER

THEREFORE, DNR orders and BLACKHAWK AGREES to the following:

1. The coke belts and transfer points, after the initial unloading point, shall be enclosed at all times during operation of this system to eliminate fugitive PM-10 emissions from these sources.

2. The exterior doors to the sand department are to be closed during sand and bond unloading operations. Sand department staff shall monitor the sand and bond

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transport vehicle operators to ensure that the sand and bond storage silos are not over-pressurized during filling operations.

3. Maintenance shall be performed on the cupola cap as necessary to ensure that it seals properly at all times. Operating and maintenance personnel shall take immediate action to correct cupola cap sealing problems during cupola operation to prevent continued discharge of fugitive emissions. Blackhawk shall maintain records specifying the date, time, and actions taken to correct cupola cap sealing problems. The records shall be retained for a period of two years following the date of the entries and shall be made available to the DNR upon request. This record keeping shall be an on-going requirement and shall not terminate.

4. A continuous six (6) foot high chain link fence with controlled access gates shall be maintained and located as depicted in Exhibit "A", dated December 2000, which is attached to this Administrative Consent Order and by this reference made a part hereof. The fencing shall be inspected and repaired as necessary.

5. The emission units listed in Exhibit "B" shall be limited to the daily and 12-month rolling average process limits listed in Exhibit "B", which is attached to this Administrative Consent Order and by this reference made a part hereof. The daily quantities of material monitored at each of the units identified in Exhibit "B" shall be entered into a daily log to demonstrate compliance with the daily and 12-month rolling average limits. Daily logs shall be maintained for a period of two years following the date of such entries and shall be made available to the DNR upon request.

6. Blackhawk shall submit to the DNR written notification that construction has commenced on the proposed project permitted in Air Quality Construction Permit No. 84-A-055S1. Blackhawk shall also provide written notifications to DNR of completion of construction of the proposed project and completion the initial performance testing requirements, as specified in Air Quality Construction Permit No. 84-A-055S1. Each of these notifications shall be due no later than 30 days following the date of each activity.

V. NO ADMISSION

While Blackhawk agrees to comply with the orders contained herein, it makes no admission as to the Findings of Facts and Conclusions of Law.

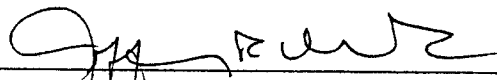
VI. WAIVER OF APPEAL RIGHTS

This order is entered into knowingly and with the consent of Blackhawk. For that reason, Blackhawk waives its right to appeal this order or any part thereof.

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VII. NONCOMPLIANCE

Failure to comply with this order may result in the imposition of administrative penalties or referral to the Attorney General's office to obtain injunctive relief and civil penalties pursuant to the provisions of Iowa Code section 455B.146.



JEFFREY R. VONK, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 4 day of
December 2003.



for BLACKHAWK FOUNDRY & MACHINE COMPANY

Dated this 19TH day of
November, 2003.

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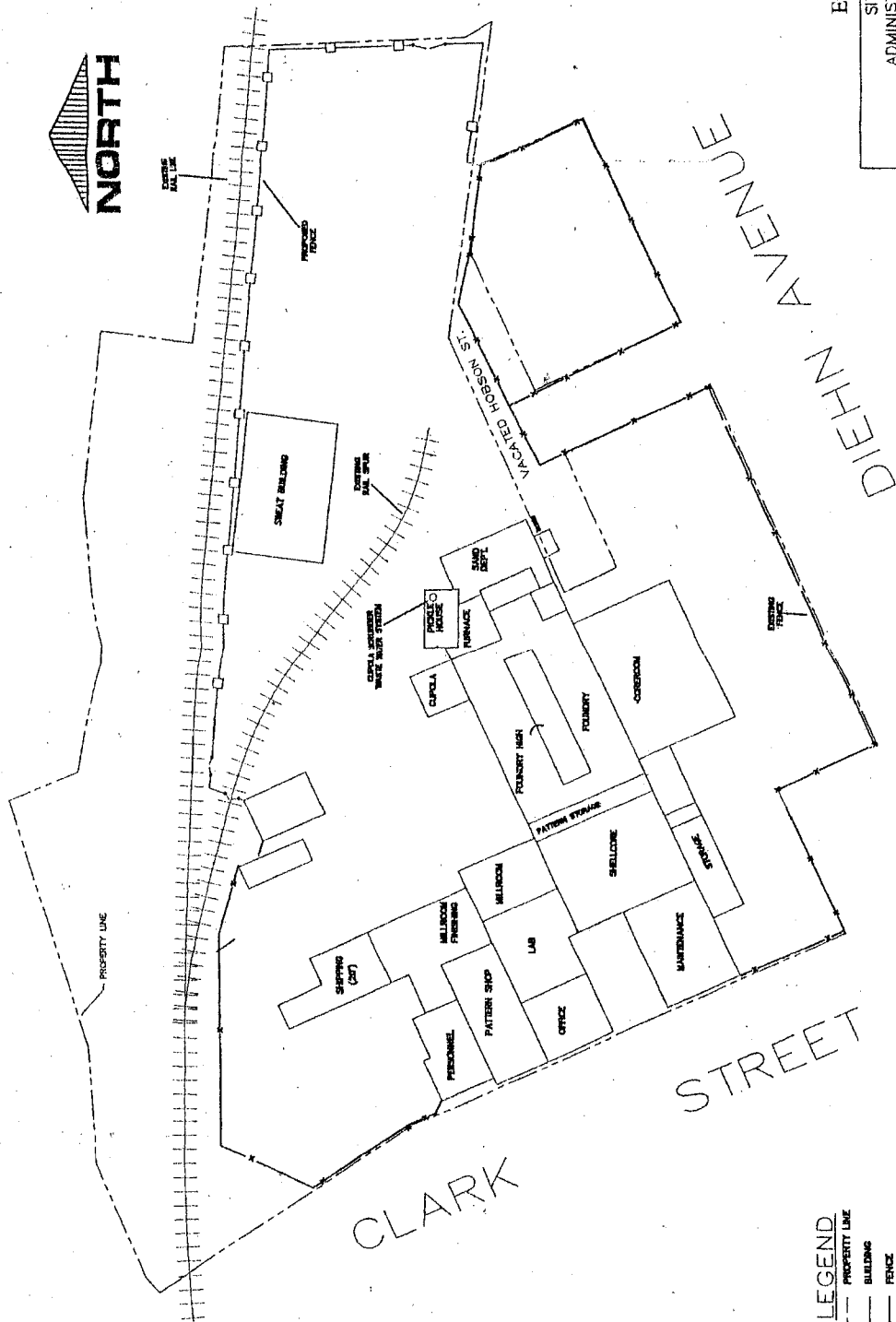
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Exhibit "A"

Site Diagram

Blackhawk Foundry

BLACKHAWK FOUNDRY SITE PLAN



LEGEND
 --- PROPERTY LINE
 --- BUILDING
 --- FENCE
 --- MAINTENANCE BUILDING DESCRIPTION

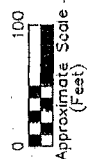


Exhibit "A"

SITE DIAGRAM
 ADMINISTRATIVE CONSENT ORDER
 BLACKHAWK FOUNDRY
 SOUTH CLARK STREET
 DAVENPORT, IOWA

Project Mgr:	JFB	Project No.	42987101
Designed By:	JFB	Scale:	AS SHOWN
Drawn By:	WFE	File No.	42987101-16
Checked By:	JFB	Date:	DEC. 2000
Approved By:	JFB	Drawn No.	1

Terracon

4470 48th Avenue East
 Rock Island, Illinois 61201

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Exhibit "B"

Maximum Process Rates
Blackhawk Foundry & Machine Company

Emission Unit	Description	Material Monitored	Maximum Daily Limit (tons)	Maximum 12 month rolling average Limit (tons)
102	Cupola	Metal melted	432	81,000
103a and 103b	Cupola ladle and pour deck ladle	Ductile Iron melted	432*	40,500*
104	Mold Pouring	Metal poured	432	157,680
107	Mold sand silo	New sand	1,440	52,560
108	Bond storage	Bond	1,440	52,560
112	Return Sand 1	Return sand	3,120	648,960**
122	Wheelabrator 1	Metal castings	288	36,000
128	Return Sand 2	Return Sand	3,120	648,960**
134	Wheelabrator 2	Metal Castings	144	18,000

*EU 103a and 103b combined.

**Twelve month rolling average tons based on 4,992 hours per 12 month rolling period.

Source Specific Permits and Orders

EPA Rulemakings

CFR: 40 C.F.R. 52.820(c)(54)(i)(A)(B)

FRM: 56 FR 56158 (11/1/91)

PRM: 56 FR 29918 (7/1/91)

State Submission: 3/13/91

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State Proposal:      none
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State Final:      none
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APDB File: IA-29

Description: This revision approved Administrative Orders and revised permits for the Archer Daniels Midland wet corn milling facility and the Interstate Power M.L. Kapp electric utility steam generating facility.

[illegible]

CFR: 40 C.F.R. 52.820 (c) (65) (i) (A) (B) (C)

FRM: 62 FR 63454 (12/1/97)

PRM: 62 FR 43681 (8/15/97)

State Submission: 6/13/96, 4/21/97

State Proposal: none

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State Final:      none
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APDB File: IA-49

Description:	This revision approved state permits and source specific emission limits and conditions for the Grain Processing Corporation, the Muscatine Power and Water Company, and Monsanto Corporation in Muscatine, Iowa.
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[illegible]

CFR: 40 C.F.R. 52.820 (d)

FRM: 64 FR 12087 (3/11/99)

PRM: 64 FR 12141 (3/11/99)

State Submission: 9/11/98

State Proposal: 6/26/98

State Final: 7/20/98

APDB File: IA-67

Description:	This revision approved an Administrative Consent Order for the IES Utilities, Inc. in Cedar Rapids area which provides for the attainment and maintenance of the SO ₂ national ambient air quality standards (NAAQS).
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[illegible]

CFR: 40 C.F.R. 52.820 (d)

FRM: 64 FR 13343 (3/18/99)

PRM: 64 FR 13378 (3/18/99)

State Submission: 10/1/98

State Proposal: 8/21/98

State Final: 9/21/98

APDB File: IA-55

Description: This revision approved two state Administrative Consent Orders for Linwood Corporation and Lafarge Corporation which provides for the attainment and maintenance of the particulate matter NAAQS in Buffalo, Iowa.

[illegible]

CFR: 40 C.F.R. 52.820 (d)

FRM: 67 FR 67563 (11/06/2002)

PRM: 67 FR 67580 (11/06/2002)

State Submission: 11/23/1999, 05/17/2001, 03/11/2002

State Final: 09/02/1999, 05/16/2001, 07/24/2001, 02/18/2002

APDB File: IA-40

Description: This revision approved orders and permits issued to control particulate matter (PM₁₀) emissions from Holnam, Inc., and Lehigh Portland Cement Company at Mason City, Iowa.

[illegible]

CFR: 40 C.F.R. 52.820 (d)

FRM: 69 FR 32454 (06/10/2004)

PRM: 69 FR 32476 (06/10/2004)

State Submission: 11/01/2002

State Final: permits 8/19/02; ACO 12/4/03

APDB File: IA-68

Description: This revision approved an Administrative Consent Order and related permits to control particulate matter (PM₁₀) emissions from Blackhawk Foundry and Machine Company in Davenport (Scott County), Iowa.

[illegible]

Difference Between the State and EPA-Approved Regulation:

None.